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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

KHEMUNICK KEO,

Defendant and Appellant.

B277886

(Los Angeles County  
Super. Ct. No. NA103703)

APPEAL from a judgment of the Superior Court of Los Angeles County, Mark C. Kim, Judge. Affirmed.

Murray A. Rosenberg, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Khemunick Keo appeals from the judgment entered following his conviction by a jury of aggravated assault. We affirm.

## **FACTUAL AND PROCEDURAL BACKGROUND**

Benny Hernandez was sleeping on the sidewalk when he was struck repeatedly with a metal pipe by a man he knew as “Nick.” Hernandez suffered lacerations to his head and pain in his upper torso and was transported to the hospital. Based on Hernandez’s description, police officers detained Keo in a nearby parking lot, where they also recovered a metal pipe.

After Keo was taken into custody, he was advised of his rights to remain silent, to the presence of an attorney and, if indigent, to appointed counsel (*Miranda v. Arizona* (1966) 384 U.S. 436 [86 S.Ct. 1602, 16 L.Ed.2d 694]). Keo agreed to be interviewed and told the officers he had beaten up Hernandez using the metal pipe found by police. At a field show-up at the hospital, Keo told Hernandez he was sorry and would make it up to him.

Keo testified at trial that he had acted in self-defense and did not understand what he was supposed to do when the officers asked him questions.

The jury convicted Keo of assault with a deadly weapon in violation of Penal Code section 245, subdivision (a)(1), and found true the special allegation Keo had personally inflicted great bodily injury on Hernandez within the meaning of Penal Code section 12022.7, subdivision (a).

The trial court sentenced Keo to an aggregate state prison term of five years, consisting of the lower term of two years for aggravated assault plus three years for the great bodily injury enhancement. Keo filed a timely notice of appeal.

## DISCUSSION

We appointed counsel to represent Keo on appeal. After examination of the record, counsel filed an opening brief in which no issues were raised. On March 3, 2017, we advised Keo he had 30 days within which to personally submit any contentions or issues he wished us to consider. We have received no response.

We have examined the entire record and are satisfied Keo's appellate attorney has fully complied with the responsibilities of counsel and no arguable issue exists. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.)

## DISPOSITION

The judgment is affirmed.

MENETREZ, J.\*

We concur:

ZELON, Acting P. J.

SEGAL, J.

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\* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.